

## REMARKS

Claims 20 to 25, 29, 31, 32, 36 to 40, 43 to 46 are pending in the application; claims 26 to 28, 30, 33 to 35, and 41 to 42 are canceled.

## Objections

The examiner states that the application is missing the abstract.

It is respectfully submitted that pursuant to MPEP 1893.03(e) in case of national stage applications the abstract that is published with the publication of the international application is to be used in the US application; please see last paragraph under the heading I. THE PUBLICATION OF THE INTERNATIONAL APPLICATION (emphasis in bold print added):

*"The abstract is reproduced on the cover page of the publication, even though it appears on a separate sheet of the international application in accordance with PCT Rule 11.4(a). The requirement of 37 CFR 1.52(b) that the abstract "commence on a separate physical sheet or electronic page" does not apply to the copy of the published international application communicated to the designated Offices by the International Bureau under PCT Article 20. Accordingly, it is improper for the examiner of the U.S. national stage application to require the applicant to provide an abstract commencing on a separate sheet if the abstract does not appear on a separate sheet in the publication of the international application. **Unless the abstract is properly amended under the U.S. rules during national stage processing, the abstract that appears on the cover page of the published international application will be the abstract published by the USPTO under 35 U.S.C. 122(b) and in any U.S. patent issuing from the application.**"*

Therefore, the abstract is not missing from the instant application.

## Claim Rejections - 35 U.S.C. 112

Claims 20-46 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite.

Examiner refers to "the translation" not having antecedence in the claims 20 and 32. This has been corrected in the amended claims.

The examiner also points out that the claims are generally in unconventional form because they do not recite active method steps. The claims have been revised and restructured.

Claim 31 and its dependent claims are further rejected as being prolix claims. The claims have been revised in view of examiner's remarks and have been structured in accordance with individual method steps. The wording "on the one hand" / "on the other hand" has been removed.

Reconsideration and withdrawal of the rejection of the claims under 35 USC 112 are respectfully requested.

#### **Rejection under 35 U.S.C. 101**

Claims 44 and 45 stand rejected under 35 U.S.C. 101 as being directed toward non-statutory subject matter.

These claims have been amended to recite a digital storage medium (claimed in claim 46) to provide a means for storing the computer code (claim 44) and to replace the "carrier" (claim 45).

Reconsideration and withdrawal of the rejection of the claims 44 and 45 under 35 USC 101 are respectfully requested.

#### **Rejection under 35 U.S.C. 103**

Claims 20-23, 25-29 and 44-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Liang (US 2003/0208116)* in view of *Perner* and *Perner3*.

Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Liang (US 2003/0208116)* in view of *Perner* and *Perner3* and further in view of *Stark*.

Claim 20 has been amended to include the features of allowable claim 30 and should thus be allowable together with its dependent claims.

#### **ALLOWABLE SUBJECT MATTER**

Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 20 has been amended to include the features of claim 30 and should thus be allowable.

Claims 31, 32, 36 to 40, and 43 have been made dependent on claim 20 and should

thus be allowable also.

Examiner has requested that in view of allowable subject matter the title of the invention and the Summary of the Invention as well as the abstract should be amended to bring them into harmony with the allowed claims as required by MPEP 1302.01.

As the substance of the amended claim 20 is the same with the exception of a mathematical formula having been added, i.e., all the same steps are still performed in the variants of the method, applicant fails to see how the Summary of the Invention or the Abstract could be amended in a meaningful way as the respective disclosure or contents is still in line with what is being claimed.

However, applicant proposes an amended, more distinctive title.

### **CONCLUSION**

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on September 24, 2010,

/Gudrun E. Hockett/

---

Ms. Gudrun E. Hockett, Ph.D.  
Patent Agent, Registration No. 35,747  
Schubertstr. 15a  
42289 Wuppertal  
GERMANY  
Telephone: +49-202-257-0371  
US-Fax: (877) 470-9712  
gudrun.draudt@t-online.de

GEH